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C O N F I D E N T I A L SECTION 01 OF 02 CARACAS 000767

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E.O. 12958: DECL: 06/02/2018  
TAGS: [PGOV](#) [PREL](#) [PINR](#) [VE](#)  
SUBJECT: CHAVEZ INTELLIGENCE DECREE ENGENDERS STRONG  
NEGATIVE REACTION

Classified By: Robert Downes, Political Counselor,  
for Reason 1.4 (d)

¶1. (C) SUMMARY: On May 28, President Hugo Chavez, using powers to independently promulgate statutes, decreed the Law of Intelligence and Counter-Intelligence into effect. The new law would replace the Directorate of Military Intelligence (DIM) and the Directorate for the Services of Intelligence and Prevention (DISIP) with dual civil and military Directorates of Intelligence and Directorates of Counterintelligence, one pair under the Ministry of Interior Relations and Justice, the other under the Ministry of Defense. A former DISIP official told us that the law would facilitate an ideological purge of Venezuela's intelligence services. Human rights and civil society NGO's are criticizing provisions of the law that encourage neighbors to report on each other or permit warrantless searches. The PODEMOS party, former Chavez allies, have filed suit claiming the law violates the 1999 constitution. Coverage by independent media has been overwhelmingly negative, while Chavez and state media have defended the law as necessary in light of "the war" the U.S. is waging against Venezuela. END SUMMARY.

¶2. (SBU) Ramon Rodriguez Chacin, Minister of Interior Relations and Justice announced on May 29 that President Chavez, using the enabling law (&Ley Habilitante8), decreed the Law of Intelligence and Counterintelligence. Rodriguez Chacin grabbed headlines when he said DIM and DISIP "would be eliminated within a year," and replaced with civil and military Directorates of Intelligence and Counterintelligence.

¶3. (C) Isaac Ponte (protect) a 22-year veteran DISIP official who retired from the service in 2000, told PolOff June 2 that the law reflected Cuba's influence over Venezuela's security apparatus and would also be used to purge DISIP of professionals. Ponte's contacts in DISIP said that, except for the ideologically faithful, officers with 15 years seniority would be given early retirement and those with 8-12 years would be seconded to other ministries, where presumably their reporting work would show their revolutionary zeal, permitting them to return to DISIP.

¶4. (SBU) Legal experts and human rights organizations immediately criticized both the law and the fact that Chavez enacted it without parliamentary review. Several articles of the law raised the immediate ire of critics including Article 6 which calls for the "prevention and neutralization" of all internal and external actors that could threaten the "security, sovereignty, constitutional order or democratic institutions." Article 16 requires citizens, residents, public and private entities, national, state and municipal

governments, social networks and community organizations to support intelligence and counterintelligence activities. Article 20 allows warrantless searches and gives any and all material collected the weight of evidence without conditions or legal review.

¶5. (SBU) Odalys Caldera, former chief of the CICPC, Venezuela's criminal investigative police, called the law "abrupt and repressive," opining it violated the constitution and penal code. Monica Fernandez, a former judge and head of the legal NGO "Foro Penal," publicly stated that the new law would facilitate political persecution. PODEMOS party National Assembly deputy Juan Jose Molina asserted the law violated Article 49 of the constitution which guarantees due process. Molina called on all parties to join forces to overturn the decree in the courts.

¶6. (SBU) The Law of Intelligence and Counterintelligence has generated intense public scrutiny, all of it negative. Print and broadcast media have increased coverage as a multitude of former prosecutors, security personnel, legal scholars and human rights activists have stepped forward to denounce the plan. Beyond lurid headlines like "Return of the Inquisition" are numerous feature length articles and panel discussions on independent news programs.

¶7. (SBU) Chavez and Justice Minister Rodriguez Chacin are left to defend the new law with little more than bogeyman threats of a U.S. conspiracy and calling their critics names. Rodriguez Chacin claimed the law was necessary because of "the war" with the United States. Chavez defended the law as "anti-imperialist, anti-terrorist and anti-coup plotter," and that it was needed to "defend national sovereignty from gringo threats." The Venezuelan leader added that the U.S. had launched an incalculable number of "psychological operations centers" to attack the law 24 hours a day. Speaking at a PSUV voting precinct, Chavez accused his critics of "being in love" with the U.S. Patriot Act, which he classified as a racist, sexist and dictatorial law. Chavez also called on his cabinet members to step up to defend the law.

¶8. (C) Comment: The vague or general nature of many articles in the law make it ripe for abuse. Critics in the independent media have sustained a weeks worth of negative coverage that shows no signs of abating. Meanwhile, the BRV's tried and true excuse of an imperialist plot has garnered little traction and post has seen no other cabinet members speak in favor of the law. This could be the issue that galvanizes the opposition for the upcoming regional and municipal elections. End Comment.

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